

Congress of the United States
Washington, DC 20515

April 15, 2008

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APR 29 2008

Federal Communications Commission
Office of the Secretary

The Honorable Kevin J. Martin, Chairman
The Federal Communications Commission
445 12th Street, S.W., Suite 844
Washington, D.C. 20554

Re: *Report on Broadcast Localism and Notice of Proposed Rulemaking.*
MB Docket No. 04-233

Dear Chairman Martin,

We are writing you today regarding the recent news that the Federal Communications Commission is considering a radical re-regulation of our nation's broadcast system in the pending "localism" proceeding. It is our understanding that the Commission is set to turn back the clock on decades of deregulatory progress by imposing a series of new and burdensome regulations on broadcasters. We urge you to reconsider these actions.

While we agree with the Commission that fostering more and better local programming is a laudable goal, we do not agree that mandates from Washington are the best means of achieving that goal. Indeed, the tentative conclusion in the localism proceeding to effectively force broadcasters to air programming that fits pre-ordained categories creates clear constitutional concerns. In addition, mandating how broadcasters interact with their communities, such as by forcing licensees to form permanent advisory boards, would require layers of bureaucracy that weigh down the marketplace, and unfairly burden broadcasters while leaving other media, including cable, satellite and Internet, free to compete without comparable government interference.

We also must focus on a pair of proposed re-regulations that could cost the broadcast industry millions of dollars in unnecessary costs. According to the recently released *Report on Broadcast Localism*, the Commission is considering the reinstatement of two particularly archaic policies that had long been abandoned – the rule that required broadcasters to maintain their main studio only within the community of license and the rules regarding unattended technical operation of broadcast facilities.

The first rule, also known as the Main Studio Rule, was relaxed in 1987 when the Commission decided that forcing broadcasters to maintain their main transmitting studio within, and only within, the community of license was overly restrictive and unnecessary. The rule was further relaxed in 1998 to level the playing field between large and small broadcasters, and to allow broadcasters with multiple licenses in an area to co-locate main studios and combine resources, significantly reducing administrative costs. This rule change, which allows stations to now place their main studio within their primary listening area, was consistent with the Telecommunications Act of 1996 and gave licensees much needed flexibility.

Reverting back to out-of-date rules would impose significant costs on broadcast licensees that have made good faith investments based on the rule changes, costs that will harm broadcasters' ability to serve the public interest. Further, the stated goal of the reregulation, namely to "encourage

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broadcasters to produce locally originated programming," requires a logical leap that has no place in government regulation, and is a thinly guised method of controlling broadcast content.

The second rule change under consideration would require broadcasters to maintain a physical presence at every broadcasting facility during all hours of operation. The old rule requiring broadcasters to keep a licensed radio operator at the transmitter site at all hours was abandoned in 1995 after the Commission deemed it "superfluous" and archaic in light of modern technology. Technology hasn't reverted - so why go back? If there is a concern about emergencies, then it seems that focusing on reforming emergency training and education would be a more rational approach than penalizing every local broadcaster in the country with unnecessary labor costs.

We appreciate your attempts to improve local media, but we disagree with your proposed methods. Any approach to regulate media that violates constitutional principles, or unnecessarily burdens the industry when other, less burdensome methods are available, should be discarded.

Sincerely,



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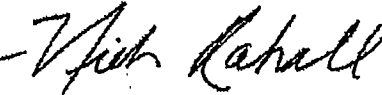
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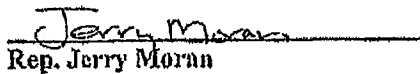
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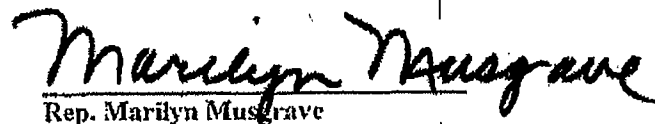
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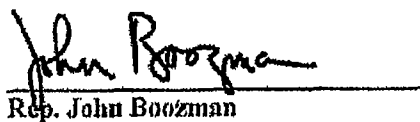
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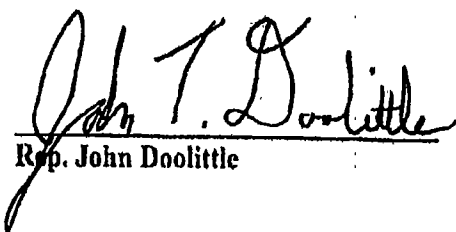
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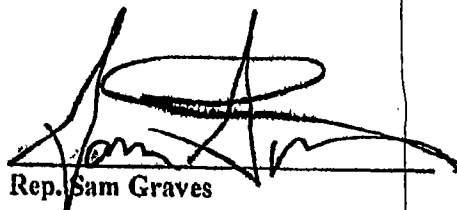


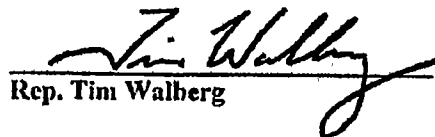
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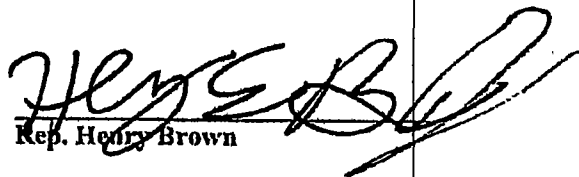


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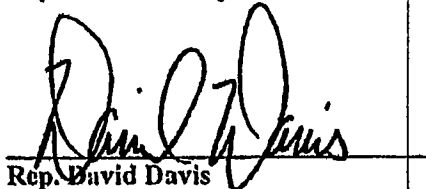

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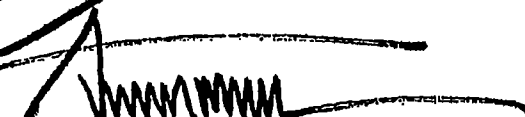

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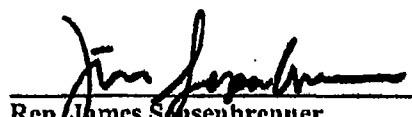

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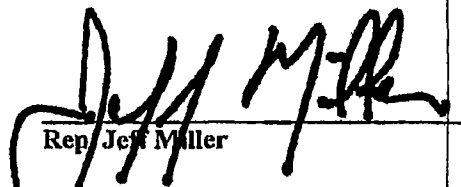

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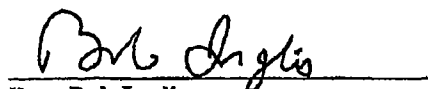

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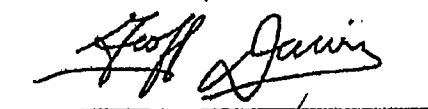

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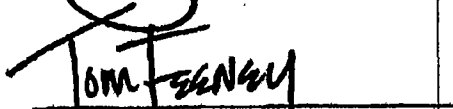

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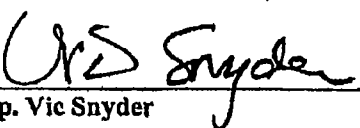

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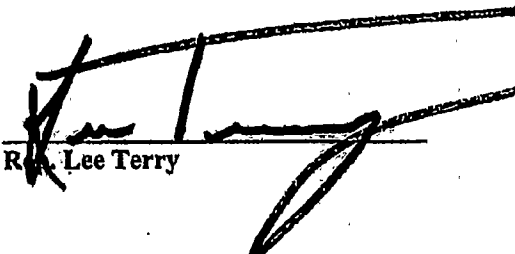

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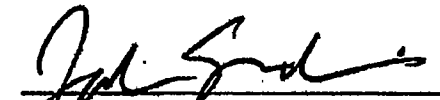
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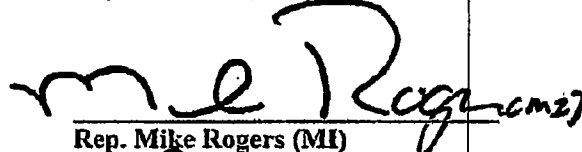

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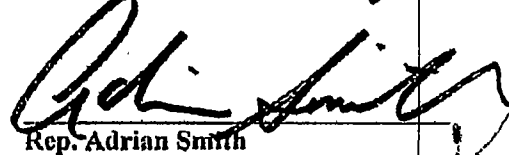

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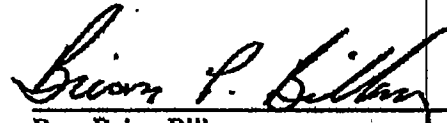

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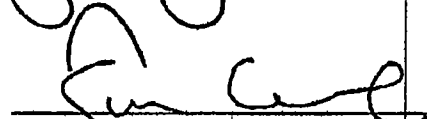

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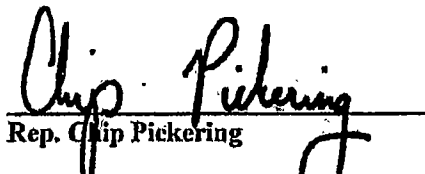

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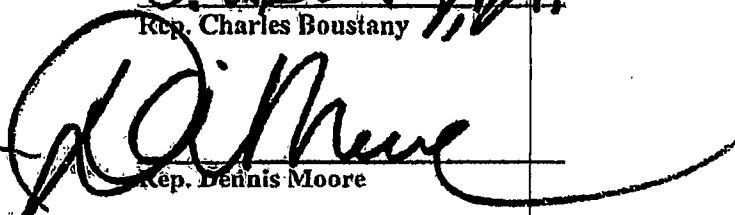

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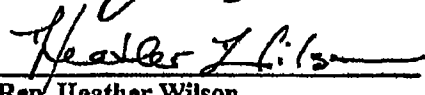

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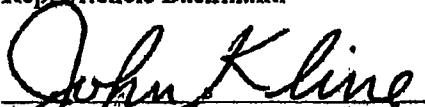

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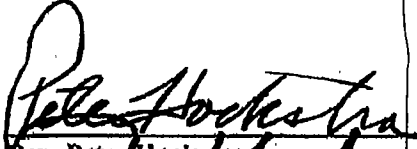

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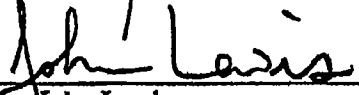

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